

ENTERED

September 16, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MAGDOLINE S	§	CIVIL ACTION NO.
HAMMAD,	§	4:20-cv-03142
Plaintiff,	§	
	§	
	§	JUDGE CHARLES ESKRIDGE
vs.	§	
	§	
	§	
RAMSEY HAMMAD,	§	
Defendant.	§	

ORDER

Before the Court is an amended motion by Plaintiff Magdoline S Hammad seeking a temporary restraining order and preliminary injunction against Defendant Ramsey Hammad. Dkt 8.

Plaintiff and Defendant are married but currently in divorce proceedings. This matter concerns allegations that Defendant accessed Plaintiff's cell phone without her authorization and disseminated screen shots and audio files to various family members and friends of Plaintiff in order to embarrass her. These are serious allegations by which Plaintiff brings claims under both state and federal law for violations of electronic privacy acts. But the Court must consider these assertions of fact as disputed in the current procedural posture.

Plaintiff sought an *ex parte* temporary restraining order simultaneously with the filing of her complaint. Dkt 3. That motion was denied under Rule 65(b) and this Court's procedures because it provided no support for the request to proceed without notice to Defendant and didn't indicate any efforts made to advise him of the request. Dkt 5. But the Court reserved judgment on the related request for preliminary injunction. An

expedited briefing schedule has since been set, with hearing to occur next week on September 25, 2020. Dkt 7.

The amended motion for a temporary restraining order is denied. Plaintiff has served Defendant. Dkt 6. But Plaintiff hasn't yet made the necessary showing for relief under Rule 65(b) because the request doesn't include specific facts clearly demonstrating that immediate and irreparable injury, loss, or damage will result before Defendant can be heard in opposition.

The request for a temporary restraining order is DENIED. Dkt 8.

The Court RESERVES decision on whether to grant a preliminary injunction until consideration at hearing. Defendant may file any further response to the amended motion for preliminary injunction by Tuesday, September 22, 2020.

The parties and their counsel are ORDERED to appear for a hearing IN PERSON on Friday, September 25, 2020 at 2:30 PM, Courtroom 8B, 515 Rusk, Houston, Texas.

The Court further ORDERS that Defendant must be prepared to provide the following information upon request at the hearing:

- A list of all photos, images, electronic messages, audio files, and other data that Defendant has procured from Plaintiff's cell phone.
- A list of each and every person to whom Defendant has disseminated, shared, or disclosed the procured data, together with the dates upon which this occurred.

The Court further ORDERS that Defendant must bring each and every cell phone, laptop, external hard drive or flash drive, and any other electronic device containing such procured information and be prepared to surrender such devices to the Court if so ordered at hearing.

The Court further ORDERS the parties to observe their obligations with respect to preservation of evidence during the pendency of litigation, and not to alter or delete evidence or information material or relevant to this action. See FRCP 37(e).

SO ORDERED.

Signed on September 16, 2020, at Houston, Texas.

A handwritten signature in black ink, reading "Ch R Eskridge". The signature is stylized, with the first letters of each word being capitalized and prominent. The "Ch" is written as a single unit, and "R" is a simple vertical stroke. "Eskridge" is written in a cursive-like style with some loops. The signature is positioned above a horizontal line.

Hon. Charles Eskridge
United States District Judge